

BROWDY AND NEIMARK, P.L.L.C.

ATTORNEYS AT LAW

PATENT AND TRADEMARK CAUSES

SUITE 300

624 NINTH STREET, N W

WASHINGTON, D. C. 20001-5303

TELEPHONE (202)-628-5197

October 23, 2001

TELECOPIER FACSIMILE

(202) 737-3528

(202) 393-1012

E-MAIL

mail@browdyneimark.com

PATENT AGENT

ALLEN C YUN, PH D

\*ADMITTED IN FL ONLY

PRACTICE SUPERVISED BY

PRINCIPALS OF THE FIRM

ALVIN BROWDY (1917-1998)

SHERIDAN NEIMARK

ROGER L BROWDY

ANNE M KORNBAU

NORMAN J LATKER

DIANA MICHELLE SOBO\*

OF COUNSEL

VER P. COOPER

JAY M. FINKELSTEIN

Hon. Commissioner for Patents

Box Patent Appln

Washington, D.C. 20231

Re: Division of Application No. 09/339,929

Applicants: Kiyohito ISHIDA et al

Title: FUNCTIONALLY GRADED ALLOY, USE THEREOF AND METHOD FOR  
PRODUCING SAME

Atty's Docket: ISHIDA=8A

Sir:

Attached herewith is the above-identified divisional application for Letters Patent including:

- ☒ Specification (45 pages), claims (4 pages) and abstract (1 page)
- ☒ 10 Sheets Drawings (Figures 1-32)
  - ☒ Formal ☐ Informal
- ☒ Declaration and Power of Attorney (3 page(s))
  - ☐ Newly executed ☒ Copy from prior application no. 09/339,929
- ☐ Preliminary Amendment
  - ☐ Computer-readable Sequence Listing
- ☐ Supplemental Preliminary Amendment
- ☐ Information Disclosure Statement with \_\_\_ references
- ☒ A verified statement to establish small entity status under 37 CFR §1.9 and 37 CFR §1.27 was filed in prior application 09/339,929, on September 15, 1999.
- ☒ Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ 370.00, to cover the filing fee calculated as follows (including any preliminary amendment for entry prior to calculation of the filing fee):

CLAIMS AS FILED				
FOR	NUMBER FILED	NUMBER EXTRA	RATE	BASIC FEE \$ 740.00
TOTAL CLAIMS	17-20	= 0	x 18	--
INDEPENDENT CLAIMS	3- 3	= 0	x 84	--
<input type="checkbox"/> Multiple Dependent Claim Presented			+ 270	--
<input checked="" type="checkbox"/> Reduction of 1/2 for Small Entity				370.00
TOTAL FILING FEE				\$ 370.00

- ☐ Any additional fee required by the filing of an enclosed preliminary or supplemental preliminary amendment (for entry after calculation of the filing fee) has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	CALCULATION
TOTAL		-	=	x 18	
INDEP.		-	=	x 84	
[ ]	Multiple Dependent Claim Presented			+ 270	
[ ]	Reduction by 1/2 for Small Entity				
Total Additional Fee =					

- ☐ Other Fees: \_\_\_\_\_
- ☐ Other Attachments: \_\_\_\_\_
- ☒ Return Receipt Postcard (in duplicate)

The following statements are applicable:

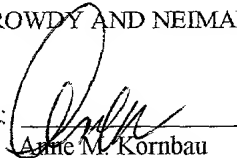
- ☒ The benefit under 35 USC §119 is claimed of the filing date of:  
Application No. 10-181268 in Japan on June 26, 1998; Application No. 10-189490 in Japan on July 3, 1998; and Application No. 10-189489 in Japan on July 3 1998. A certified copy of each said priority document was filed in progenitor case 09/339,929 on August 17, 1999.
- ☒ The present application is a ☐ Continuation ☒ Division ☐ Continuation-in-part of prior Application No. 09/339,929.
- ☒ Incorporation By Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied herewith, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ A signed statement deleting inventor(s) named in the prior application is attached.
- ☒ The prior application was assigned to: Kiyoshito ISHIDA; Yoshikazu ISHI
- 
- ☒ Amend the specification by inserting before the first line the sentence:  
--This is a continuation/division/continuation-in-part of copending parent application Serial No. 09/339,929, filed June 25, 1999.--
- ☒ Certain documents were previously cited or submitted to the Patent and Trademark Office in the following prior application 09/339,929, which is relied upon under 35 USC §120. Applicants identify these documents by attaching hereto a form PTO-1449 listing these documents, and request that they be considered and made of record in accordance with 37 CFR §1.98(d). Per Section 1.98(d), copies of these documents need not be filed in this application.
- ☒ As in the parent application 09/339,929, please associate the present application with **Customer No. 001444** and recognize only the practitioners associated therewith.
- ☒ A verified statement claiming small entity status is enclosed in progenitor application no. 09/339,929, filed August 17, 1999. Small entity status is still proper and desired.

- [X] The undersigned attorney of record hereby revokes the powers of attorney of:  
A. Fred Starobin Reg. No. 18,453 and Nick S. Bromer Reg. No. 33,478
- [ ] The undersigned attorney of record hereby appoints associate power of attorney, to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith to:
- [X] The Commissioner is hereby authorized to charge payment of the following additional fees associated with this communication or credit any overpayments to Deposit Account No. 02-4035:  
[X] Any additional filing fees required under 37 CFR §1.16.  
[X] Any patent application processing fees under 37 CFR §1.17.
- [X] The Commissioner is hereby authorized to charge payment of the following fees, based on any paper filed during the pendency of this application or any CPA thereof, to effect any amendment, petition, or other action requested in said paper or credit any overpayments to Deposit Account No. 02-4035:  
[X] Any patent application processing fees under 37 CFR §1.17.  
[ ] The issue fee set in 37 CFR §1.18 at or before mailing the Notice of Allowance, pursuant to 37 CFR §1.311(b).  
[X] Any filing fees under 37 CFR §1.16 for presentation of extra claims.  
[X] If a paper is untimely filed in this or any CPA thereof by Applicant(s), the Commissioner is hereby petitioned under 37 CFR. §1.136(a) for the minimum extension of time required to make said paper timely. In the event a petition for extension of time is made under the provisions of this paragraph, the Commissioner is hereby requested to charge any fee required under 37 CFR §1.17 to Deposit Account 02-4035.
- [X] The Commissioner is hereby authorized to credit any overpayment of fees accompanying this paper to Deposit Account No. 02-4035.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.

By:

  
Anne M. Kornbau

Registration No. 25,884

AMK:jaa